

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES CO., LTD.,
HUAWEI DEVICE USA, INC., and
HUAWEI TECHNOLOGIES USA, INC.,

Plaintiffs / Counterclaim-
Defendants,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants / Counterclaim-
Plaintiffs,

and

SAMSUNG RESEARCH AMERICA,

Defendant,

v.

HISILICON TECHNOLOGIES CO., LTD.,

Counterclaim-Defendant.

Case No. 3:16-cv-2787-WHO

**ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
THE JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
EXHIBIT B THERETO**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants/Counterclaim-Plaintiffs Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc., and Defendant Samsung Research America (collectively “Samsung”) bring this administrative motion to file under seal limited portions of the Joint Case Management Conference Statement and Exhibit B thereto. Samsung certifies that it has reviewed and complied with Judge Orrick’s Standing Order on Administrative Motions to Seal, as well as Civil Local Rule 79-5.

Samsung requests an order granting its motion to file under seal the materials in the following table:

Document	Portions to be Filed Under Seal	Party Claiming Confidentiality	Basis for Sealing
Joint Case Management Conference	Highlighted portions on page 7, lines 12-16; page 8, lines 21-	Samsung	Declaration of Cole Malmberg in Support of the Administrative

Statement	23, 25-26; and page 9, lines 7-8		Motion to File Under Seal (“Malmberg Decl.”) ¶ 4
Exhibit B	Highlighted portions on page 1	Samsung	Malmberg Decl. ¶ 5

All of the materials identified above contain or reference information that Samsung has designated as “Highly Confidential – Attorneys’ Eyes Only” because it is confidential, nonpublic, and competitively sensitive in nature. *See* Malmberg Decl. ¶¶ 4-5. For the convenience of the Court, redactions of material subject to a claim of confidentiality by Samsung are highlighted in yellow in the foregoing documents filed under seal with the Court.

Non-dispositive motions and related materials may be sealed in the 9th Circuit upon a “particularized showing” under the “good cause” standard of Fed. R. Civ. P. 26(c). *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006) (“A ‘good cause’ showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions.”) (quoting *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135-38 (9th Cir. 2003)). In this District, Civil L.R. 79-5(b) requires that the party moving to seal “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” and that the corresponding motion to seal “be narrowly tailored to seek sealing only of sealable material.”

Samsung only seeks to seal information that is highly confidential, nonpublic, and competitively sensitive in nature. *See* Malmberg Decl. ¶¶ 4-5. Public disclosure of this information would harm Samsung’s competitive standing. *Id.* This sealing request is therefore narrowly tailored to only sealable material and does not indiscriminately seek to seal other, non-sealable portions of the Joint Case Management Conference Statement and exhibits thereto. Samsung therefore respectfully request that the Court order sealed the materials identified above.

1 Dated: September 20, 2017

Respectfully Submitted,

2 By: /s/ Victoria F. Maroulis

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